



FASA President, Christi Moss, joined by the presidents of the Florida School Boards Association, the Florida Association of District School Superintendents, and the Florida Education Association filed a lawsuit today in Leon Circuit Court seeking to remove Amendments 7 and 9 from the general election ballot in November.

At issue are two constitutional amendments placed on the ballot by the Taxation and Budget Reform Commission (TBRC). In the case of both Amendment 7 and 9, the lawsuit contends that the TBRC exceeded its constitutional mandate in placing them on the November ballot. The lawsuit seeks to have the two proposals removed from the ballot.

Amendment 7 would strike the traditional language from the Florida Constitution that protects a separation between church and state in the use of taxpayer dollars to finance programs provided by religious groups. Amendment 9 removes the constitution's strong language requiring, as a "paramount duty of the state," the provision of a "uniform, efficient, safe, secure, and high quality system of free public schools." The amendment revises Article IX, Section 1 to state that "this duty shall be fulfilled, at a minimum and not exclusively" through public schools.

The initiatives were placed on the ballot by the TBRC, a constitutionally mandated group that meets every 20 years to consider subjects of "taxation or the state budgetary process. In this suit the plaintiffs say the TBRC exceeded its authority under Article XI, section 6, of the Florida Constitution by proposing constitutional amendments that do not deal with the subjects of "taxation or the state budgetary process."

"These amendments don't deal with taxation and the state budgetary process," said Ron Meyer, the lead attorney who filed the lawsuit. "These same approaches were debated and defeated in the Legislature. Pursuing this path instead of making a significant investment in our children and providing high-quality schools throughout the state will only deepen the divide."

Plaintiffs in the case are Christi Moss, president of the Florida Association of School Administrators; Andy Ford, president of the Florida Education Association; Beverly Slough, president of the Florida School Boards Association; Joseph Joyner, president of the Florida Association of District School Superintendants; Rabbi Merrill Shapiro, vice president of Americans United for Separation of Church and State; and Harry Parrott Jr., a retired Baptist minister.

**Here are a few points to consider when talking about this action:**

- \* At issue are two ballot initiatives placed before voters at the request of the Taxation and Budget Reform Commission (TBRC). In the case of both Amendment 7 and 9, the lawsuit contends that the TBRC exceeded its constitutional mandate in placing them on the November ballot. The lawsuit seeks to have the two proposals removed from the ballot.
- \* The TBRC meets every 20 years to consider subjects of "taxation or the state budgetary process." These proposed constitutional amendments do not deal with taxation or the state budgetary process.
- \* Look at what the Florida Constitution says about the mission of the TBRC: "The commission shall examine the state budgetary process, the revenue needs and expenditure processes of the state, the appropriateness of the tax structure of the state, and governmental productivity and efficiency."
- \* Nowhere does the Constitution say that the commission should get into social issues, such as public aid to religious schools. Yet that's what they have done, sending to voters an amendment advertised as correcting religious discrimination in Florida that doesn't exist.
- \* Amendment 7 would strike the traditional language from the Florida Constitution that protects a separation between church and state in the use of taxpayer dollars to finance programs provided by religious groups.
- \* Amendment 7 would strike current constitutional language that forbids the use of any public funds "directly or indirectly in aid of any church, sect, or religious denomination or in aid of any sectarian institution." In place of those words, Article I, Section 3 would assert, "An individual or entity may not be barred from participating in any public program because of religion."
- \* If the measure passes, Florida would be the first state in the country to formally trash the concept that the roles of church and government should be separate.

- \* In the case of Amendment 9, the ballot language is confusing and misleading. It touts a classroom funding formula, but doesn't define what is a classroom expense and what isn't. Most school districts already spend 65 percent or more of their funding in the classroom. The 65 percent language is a smokescreen that disguises language within the proposal that would legalize private school vouchers.
- \* Amendment 9 would eviscerate the constitution's strong language requiring, as a "paramount duty of the state," the provision of a "uniform, efficient, safe, secure, and high quality system of free public schools." The amendment revises Article IX, Section 1 to state that "this duty shall be fulfilled, at a minimum and not exclusively" through public schools.
- \* The two amendments combined would eliminate any state constitutional barriers to public money for religious schools and other ministries of all sorts.
- \* If the state provisions are removed, expect an avalanche of funding proposals that will benefit religious schools and other ministries, and state regulation is likely to be weak or non-existent.
- \* It's unwise to open the state's coffers to vouchers at a time when Florida's chronically underfinanced public schools are being forced to make destructive cuts because of economic conditions and legislative choice.

Jim Warford,  
Executive Director/CEO  
Florida Association of School Administrators

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*Fla. Assoc. of School Administrators  
206-B S. Monroe St.  
Tallahassee, Florida 32301*

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